

IN THE MATTER OF:

Anthony L. Carr,

Applicant.

BEFORE THE MARYLAND

COMMISSIONER OF

FINANCIAL REGULATION

Case No.: DLR-CFR-76B-10-10455

PROPOSED ORDER

The Proposed Decision of the Administrative Law Judge in the captioned case having been considered in its entirety, it is **ORDERED** by the Commissioner of Financial Regulation (the "Commissioner") this 27 day of July, 2010 that the Proposed Decision shall be and hereby is adopted as a Proposed Order.

Pursuant to COMAR 09.01.03.09, Applicant has the right to file exceptions to the Proposed Order and present arguments to the Commissioner. Applicant has twenty (20) days from the postmark date of this Proposed Order to file exceptions with the Commissioner. COMAR 09.01.03.09A(1). The date of filing exceptions with the Commissioner is the date of personal delivery to the Commissioner or the postmark date on mailed exceptions. COMAR 09.01.03.09A(2).

Unless written exceptions are filed within the twenty (20)-day deadline noted above, this Order shall be deemed to be the final decision of the Commissioner.

COMMISSIONER OF FINANCIAL REGULATION



Mark Kaufman
Deputy Commissioner of Financial Regulation

ANTHONY L. CARR,

APPLICANT

v.

COMMISSIONER OF FINANCIAL

REGULATION

*

BEFORE YOLANDA L. CURTIN,

*

AN ADMINISTRATIVE LAW JUDGE

*

OF THE MARYLAND OFFICE OF

*

ADMINISTRATIVE HEARINGS

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OAH CASE No: DLR-CFR-76B-10-10455

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RECOMMENDED DEFAULT ORDER

On January 20, 2010, the Maryland Commissioner of Financial Regulation (CFR), Department of Labor, Licensing and Regulation, denied the Applicant's application for a mortgage loan originator license. On February 24, 2010, the Applicant filed an appeal. On March 17, 2010, the CFR referred the matter to the Office of Administrative Hearings (OAH) for a hearing and to issue proposed findings of fact and conclusions of law, and a recommended order.

By letter dated April 19, 2010, the OAH mailed a Notice of Hearing to the Applicant via certified and regular first class mail to his last address of record, scheduling a hearing for Friday, June 4, 2010, at 9:30 a.m., at the OAH, 11101 Gilroy Road, Hunt Valley, Maryland and advising the Applicant that his failure to appear may result in an adverse decision. The certified mail was returned by the U.S. Postal Service marked "unclaimed." The U. S. Postal Service did not return the regular first class mail letter to the OAH. The OAH did not receive a request for postponement from the Applicant.

On June 4, 2010, I convened the hearing as scheduled. Md. Code Ann., Fin. Inst. § 11-608(c) (Supp. 2009). Kris King, Assistant Attorney General, represented the CFR. The

Applicant failed to appear. As a result, the CFR moved for default and, in support, introduced the following exhibits, which I admitted into evidence:

1. Hearing Notice, dated April 19, 2010, with attachments;
2. Letter from CFR to OAH, dated March 17, 2010;
3. Applicant's appeal letter, stamped received by the CFR on February 24, 2010;
4. Letter from the CFR to the Applicant, dated January 20, 2010;
5. Licensing history;
6. U.S. Credit Profile Report;
7. Bankruptcy Petition;
8. Four letters from the Applicant; and
9. Individual Snapshot for Applicant.

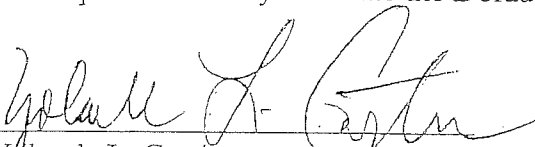
The Applicant bears the burden of proving, by a preponderance of the evidence, his entitlement to the license. COMAR 09.01.02.16B. Therefore, since the Applicant failed to appear after proper notice, he has failed to meet his burden of proof and I **RECOMMEND** that the CFR issue a Default Order noting the following:

1. Anthony L. Carr is in default; and
2. The CFR's denial of the Applicant's application for a mortgage originator's license is **UPHELD**; and
3. All further proceedings in the captioned matter are **TERMINATED**, and a disposition of **DISMISSAL** is entered in this case, pursuant to COMAR 28.02.01.23A; and
4. In accordance with COMAR 09.01.03.09A and 28.02.01.23C, Anthony L. Carr or his representative may file with the Commissioner of Financial Regulation written

exceptions within twenty days from the postmark date of the Default Order. Any such exceptions must state the grounds for the request to modify or vacate the Default Order.

June 4, 2010

Date Decision Mailed


Yolanda L. Curtin
Administrative Law Judge

YLC/
#114423